



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB1445

by Rep. Frank J. Mautino

SYNOPSIS AS INTRODUCED:

20 ILCS 2805/1.2	
20 ILCS 2805/2	from Ch. 126 1/2, par. 67
20 ILCS 2805/2.01	from Ch. 126 1/2, par. 67.01
20 ILCS 2805/2.04	from Ch. 126 1/2, par. 67.04
20 ILCS 2805/2.07	from Ch. 126 1/2, par. 67.07
20 ILCS 2805/7	
20 ILCS 2805/2d rep.	
20 ILCS 2805/2e rep.	
20 ILCS 2805/2f rep.	
20 ILCS 2805/10 rep.	
20 ILCS 2805/30 rep.	

Amends the Department of Veterans Affairs Act. Provides that the creation of the Division of Women Veterans Affairs within the Department of Veterans Affairs is subject to appropriations. Removes a provision requiring the Department to encourage the State to implement more programs to address the wide range of issues faced by Persian Gulf War Veterans. Removes references to the John Joseph Kelly Veteran's Home as an Illinois Veterans Home admitting disabled veterans requiring nursing home care. Provides that no later than July 1, 2012 the Veterans' Memorial Commission shall make recommendations to the Governor and the General Assembly on changes to the Illinois statues to help ensure the long term maintenance and preservation of veterans' memorials. Changes the composition of the Commission by adding one member who represents the Illinois Historic Preservation Agency. Repeals provisions concerning the National World War II Memorial Fund; the World War II Illinois Veterans Memorial Fund; the capacity of the LaSalle Veterans Home; and the task force on Servicemember and Veterans Education.

LRB097 06017 KTG 46088 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning State government.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Department of Veterans Affairs Act is
5 amended by changing Sections 1.2, 2, 2.01, 2.04, 2.07, and 7 as
6 follows:

7 (20 ILCS 2805/1.2)

8 Sec. 1.2. Division of Women Veterans Affairs. Subject to
9 appropriations for this purpose, the ~~The~~ Division of Women
10 Veterans Affairs is created as a Division within the
11 Department. The head of the Division shall serve as an
12 Assistant Director of Veterans' Affairs. The Division shall
13 serve as an advocate for women veterans, in recognition of the
14 unique issues facing women veterans. The Division shall assess
15 the needs of women veterans with respect to issues including,
16 but not limited to, compensation, rehabilitation, outreach,
17 health care, and issues facing women veterans in the community.
18 The Division shall review the Department's programs,
19 activities, research projects, and other initiatives designed
20 to meet the needs of women veterans and shall make
21 recommendations to the Director of Veterans' Affairs
22 concerning ways to improve, modify, and effect change in
23 programs and services for women veterans.

1 (Source: P.A. 96-94, eff. 7-27-09.)

2 (20 ILCS 2805/2) (from Ch. 126 1/2, par. 67)

3 Sec. 2. Powers and duties. The Department shall have the
4 following powers and duties:

5 To perform such acts at the request of any veteran, or his
6 or her spouse, surviving spouse or dependents as shall be
7 reasonably necessary or reasonably incident to obtaining or
8 endeavoring to obtain for the requester any advantage, benefit
9 or emolument accruing or due to such person under any law of
10 the United States, the State of Illinois or any other state or
11 governmental agency by reason of the service of such veteran,
12 and in pursuance thereof shall:

13 (1) Contact veterans, their survivors and dependents
14 and advise them of the benefits of state and federal laws
15 and assist them in obtaining such benefits;

16 (2) Establish field offices and direct the activities
17 of the personnel assigned to such offices;

18 (3) Create a volunteer field force of accredited
19 representatives, representing educational institutions,
20 labor organizations, veterans organizations, employers,
21 churches, and farm organizations;

22 (4) Conduct informational and training services;

23 (5) Conduct educational programs through newspapers,
24 periodicals and radio for the specific purpose of
25 disseminating information affecting veterans and their

1 dependents;

2 (6) Coordinate the services and activities of all state
3 departments having services and resources affecting
4 veterans and their dependents;

5 (7) Encourage and assist in the coordination of
6 agencies within counties giving service to veterans and
7 their dependents;

8 (8) Cooperate with veterans organizations and other
9 governmental agencies;

10 (9) Make, alter, amend and promulgate reasonable rules
11 and procedures for the administration of this Act;

12 (10) Make and publish annual reports to the Governor
13 regarding the administration and general operation of the
14 Department;

15 (11) (Blank) ~~Encourage the State to implement more~~
16 ~~programs to address the wide range of issues faced by~~
17 ~~Persian Gulf War Veterans, especially those who took part~~
18 ~~in combat, by creating an official commission to further~~
19 ~~study Persian Gulf War Diseases. The commission shall~~
20 ~~consist of 9 members appointed as follows: the Speaker and~~
21 ~~Minority Leader of the House of Representatives and the~~
22 ~~President and Minority Leader of the Senate shall each~~
23 ~~appoint one member from the General Assembly, the Governor~~
24 ~~shall appoint 4 members to represent veterans'~~
25 ~~organizations, and the Department shall appoint one~~
26 ~~member. The commission members shall serve without~~

1 ~~compensation~~; and

2 (12) Conduct an annual review of the benefits received
3 by Illinois veterans that compares benefits received by
4 Illinois veterans with the benefits received by veterans in
5 all other states and U.S. territories. The required annual
6 review shall include, but not be limited to, (1) the
7 average benefit paid to individual veterans from Illinois,
8 in direct comparison to the average benefit paid to
9 individual veterans of each of the other states and U.S.
10 territories; (2) the number of veterans receiving benefits
11 in Illinois for the first time during the year compared to
12 the number of claims filed by Illinois veterans during the
13 year; (3) the aggregate number of Illinois veterans
14 receiving benefits compared to the number of veterans from
15 each of the other states and U.S. territories receiving
16 benefits; and (4) a categorical analysis of the types of
17 injuries and disabilities for which benefits are being paid
18 in Illinois and each of the other states and U.S.
19 territories. The benefits review shall be reported to the
20 Governor, the General Assembly, and the Illinois
21 Congressional delegation upon the completion of the report
22 each year.

23 The Department may accept and hold on behalf of the State,
24 if for the public interest, a grant, gift, devise or bequest of
25 money or property to the Department made for the general
26 benefit of Illinois veterans, including the conduct of

1 informational and training services by the Department and other
2 authorized purposes of the Department. The Department shall
3 cause each grant, gift, devise or bequest to be kept as a
4 distinct fund and shall invest such funds in the manner
5 provided by the Public Funds Investment Act, as now or
6 hereafter amended, and shall make such reports as may be
7 required by the Comptroller concerning what funds are so held
8 and the manner in which such funds are invested. The Department
9 may make grants from these funds for the general benefit of
10 Illinois veterans. Grants from these funds, except for the
11 funds established under Sections 2.01a and 2.03, shall be
12 subject to appropriation.

13 The Department has the power to make grants, from funds
14 appropriated from the Korean War Veterans National Museum and
15 Library Fund, to private organizations for the benefit of the
16 Korean War Veterans National Museum and Library.

17 The Department has the power to make grants, from funds
18 appropriated from the Illinois Military Family Relief Fund, for
19 benefits authorized under the Survivors Compensation Act.

20 (Source: P.A. 93-839, eff. 7-30-04; 94-167, eff. 1-1-06.)

21 (20 ILCS 2805/2.01) (from Ch. 126 1/2, par. 67.01)

22 Sec. 2.01. Veterans Home admissions.

23 (a) Any honorably discharged veteran is entitled to
24 admission to an Illinois Veterans Home if the applicant meets
25 the requirements of this Section.

1 (b) The veteran must:

2 (1) have served in the armed forces of the United States
3 at least 1 day in World War II, the Korean Conflict, the
4 Viet Nam Campaign, or the Persian Gulf Conflict between the
5 dates recognized by the U.S. Department of Veterans Affairs
6 or between any other present or future dates recognized by
7 the U.S. Department of Veterans Affairs as a war period, or
8 have served in a hostile fire environment and has been
9 awarded a campaign or expeditionary medal signifying his or
10 her service, for purposes of eligibility for domiciliary or
11 nursing home care;

12 (2) have served and been honorably discharged or
13 retired from the armed forces of the United States for a
14 service connected disability or injury, for purposes of
15 eligibility for domiciliary or nursing home care;

16 (3) have served as an enlisted person at least 90 days
17 on active duty in the armed forces of the United States,
18 excluding service on active duty for training purposes
19 only, and entered active duty before September 8, 1980, for
20 purposes of eligibility for domiciliary or nursing home
21 care;

22 (4) have served as an officer at least 90 days on
23 active duty in the armed forces of the United States,
24 excluding service on active duty for training purposes
25 only, and entered active duty before October 17, 1981, for
26 purposes of eligibility for domiciliary or nursing home

1 care;

2 (5) have served on active duty in the armed forces of
3 the United States for 24 months of continuous service or
4 more, excluding active duty for training purposes only, and
5 enlisted after September 7, 1980, for purposes of
6 eligibility for domiciliary or nursing home care;

7 (6) have served as a reservist in the armed forces of
8 the United States or the National Guard and the service
9 included being called to federal active duty, excluding
10 service on active duty for training purposes only, and who
11 completed the term, for purposes of eligibility for
12 domiciliary or nursing home care;

13 (7) have been discharged for reasons of hardship or
14 released from active duty due to a reduction in the United
15 States armed forces prior to the completion of the required
16 period of service, regardless of the actual time served,
17 for purposes of eligibility for domiciliary or nursing home
18 care; or

19 (8) have served in the National Guard or Reserve Forces
20 of the United States and completed 20 years of satisfactory
21 service, be otherwise eligible to receive reserve or active
22 duty retirement benefits, and have been an Illinois
23 resident for at least one year before applying for
24 admission for purposes of eligibility for domiciliary care
25 only.

26 (c) The veteran must have service accredited to the State

1 of Illinois or have been a resident of this State for one year
2 immediately preceding the date of application.

3 (d) For admission to the Illinois Veterans Homes at Anna
4 and Quincy, the veteran must be disabled by disease, wounds, or
5 otherwise and because of the disability be incapable of earning
6 a living.

7 (e) For admission to the Illinois Veterans Homes at LaSalle
8 and Manteno ~~and for admission to the John Joseph Kelly~~
9 ~~Veteran's Home~~, the veteran must be disabled by disease,
10 wounds, or otherwise and, for purposes of eligibility for
11 nursing home care, require nursing care because of the
12 disability.

13 (f) An individual who served during a time of conflict as
14 set forth in subsection (a)(1) of this Section has preference
15 over all other qualifying candidates, for purposes of
16 eligibility for domiciliary or nursing home care at any
17 Illinois Veterans Home.

18 (Source: P.A. 94-588, eff. 8-15-05.)

19 (20 ILCS 2805/2.04) (from Ch. 126 1/2, par. 67.04)

20 Sec. 2.04. There shall be established in the State Treasury
21 special funds known as (i) the LaSalle Veterans Home Fund, (ii)
22 the Anna Veterans Home Fund, (iii) the Manteno Veterans Home
23 Fund, and (iv) the Quincy Veterans Home Fund, ~~and (v) the John~~
24 ~~Joseph Kelly Home Fund~~. All moneys received by an Illinois
25 Veterans Home from Medicare and from maintenance charges to

1 veterans, spouses, and surviving spouses residing at that Home
2 shall be paid into that Home's Fund. All moneys received from
3 the U.S. Department of Veterans Affairs for patient care shall
4 be transmitted to the Treasurer of the State for deposit in the
5 Veterans Home Fund for the Home in which the veteran resides.
6 Appropriations shall be made from a Fund only for the needs of
7 the Home, including capital improvements, building
8 rehabilitation, and repairs.

9 The administrator of each Veterans Home shall establish a
10 locally-held member's benefits fund. Revenues accruing to an
11 Illinois Veterans Home, including any donations, grants for the
12 operation of the Home, profits from commissary stores, and
13 funds received from any individual or other source, shall be
14 deposited into that Home's benefits fund. Expenditures from the
15 benefits funds shall be solely for the special comfort,
16 pleasure, and amusement of residents. Contributors of
17 unsolicited private donations may specify the purpose for which
18 the private donations are to be used.

19 Upon request of the Department, the State's Attorney of the
20 county in which a resident or living former resident of an
21 Illinois Veterans Home who is liable under this Act for payment
22 of sums representing maintenance charges resides shall file an
23 action in a court of competent jurisdiction against any such
24 person who fails or refuses to pay such sums. The court may
25 order the payment of sums due to maintenance charges for such
26 period or periods of time as the circumstances require.

1 Upon the death of a person who is or has been a resident of
2 an Illinois Veterans Home who is liable for maintenance charges
3 and who is possessed of property, the Department may present a
4 claim for such sum or for the balance due in case less than the
5 rate prescribed under this Act has been paid. The claim shall
6 be allowed and paid as other lawful claims against the estate.

7 The administrator of each Veterans Home shall establish a
8 locally-held trust fund to maintain moneys held for residents.
9 Whenever the Department finds it necessary to preserve order,
10 preserve health, or enforce discipline, the resident shall
11 deposit in a trust account at the Home such monies from any
12 source of income as may be determined necessary, and
13 disbursement of these funds to the resident shall be made only
14 by direction of the administrator.

15 If a resident of an Illinois Veterans Home has a dependent
16 child, spouse, or parent the administrator may require that all
17 monies received be deposited in a trust account with dependency
18 contributions being made at the direction of the administrator.
19 The balance retained in the trust account shall be disbursed to
20 the resident at the time of discharge from the Home or to his
21 or her heirs or legal representative at the time of the
22 resident's death, subject to Department regulations or order of
23 the court.

24 The Director of Central Management Services, with the
25 consent of the Director of Veterans' Affairs, is authorized and
26 empowered to lease or let any real property held by the

1 Department of Veterans' Affairs for an Illinois Veterans Home
2 to entities or persons upon terms and conditions which are
3 considered to be in the best interest of that Home. The real
4 property must not be needed for any direct or immediate purpose
5 of the Home. In any leasing or letting, primary consideration
6 shall be given to the use of real property for agricultural
7 purposes, and all moneys received shall be transmitted to the
8 Treasurer of the State for deposit in the appropriate Veterans
9 Home Fund.

10 (Source: P.A. 91-634, eff. 8-19-99; 92-671, eff. 7-16-02.)

11 (20 ILCS 2805/2.07) (from Ch. 126 1/2, par. 67.07)

12 Sec. 2.07. The Department shall employ and maintain
13 sufficient and qualified staff at the veterans' homes (i) to
14 fill all beds, subject to appropriation, and (ii) to fulfill
15 the requirements of this Act. The Department shall report to
16 the General Assembly, by January 1 and July 1 of each year, the
17 number of staff employed in providing direct patient care at
18 their veterans' homes, the compliance or noncompliance with
19 staffing standards established by the United States Department
20 of Veterans Affairs for such care, and in the event of
21 noncompliance with such standards, the number of staff required
22 for compliance. For purposes of this Section, a nurse who has a
23 license application pending with the State shall not be deemed
24 unqualified by the Department if the nurse is in compliance
25 with Section 50-15 of the Nurse Practice Act.

1 ~~All contracts between the State and outside contractors to~~
2 ~~provide workers to staff and service the Anna Veterans Home~~
3 ~~shall be canceled in accordance with the terms of those~~
4 ~~contracts. Upon cancellation, each worker or staff member shall~~
5 ~~be offered certified employment status under the Illinois~~
6 ~~Personnel Code with the State of Illinois. To the extent it is~~
7 ~~reasonably practicable, the position offered to each person~~
8 ~~shall be at the same facility and shall consist of the same~~
9 ~~duties and hours as previously existed under the canceled~~
10 ~~contract or contracts.~~

11 (Source: P.A. 95-331, eff. 8-21-07; 95-639, eff. 10-5-07;
12 95-876, eff. 8-21-08; 96-699, eff. 8-25-09.)

13 (20 ILCS 2805/7)

14 Sec. 7. Veterans' Memorial Commission. The Veterans'
15 Memorial Commission is created within the Department. No later
16 than July 1, 2012 the ~~The~~ Commission shall make recommendations
17 to the Governor and the General Assembly on changes to the
18 Illinois statutes to help ensure the long term maintenance and
19 preservation of veterans' memorials. ~~gather information on~~
20 ~~memorial preservation and management and advise State and local~~
21 ~~governments and other entities in the creation, custody, care,~~
22 ~~and upkeep of veterans' memorials. The Commission shall conduct~~
23 ~~studies and make reports regarding the various laws and rules~~
24 ~~affecting veteran's memorials to determine whether~~
25 ~~consolidation or other changes in the laws or rules are needed~~

1 ~~to facilitate memorial preservation and to raise awareness of~~
2 ~~issues affecting veterans' memorials.~~ The Commission shall be
3 composed of 13 ~~12~~ members as follows: 2 members appointed by
4 the President of the Senate, 2 members appointed by the
5 Minority Leader of the Senate, 2 members appointed by the
6 Speaker of the House of Representatives, 2 members appointed by
7 the Minority Leader of the House of Representatives, one
8 representative of the Department of Veterans Affairs, and 3
9 representatives of different veterans service organizations
10 appointed by the Director of the Department, and one
11 representative of the Illinois Historic Preservation Agency.
12 Members shall serve ~~2-year terms,~~ without compensation. This
13 Section shall be repealed on July 1, 2012.

14 (Source: P.A. 94-448, eff. 8-4-05.)

15 (20 ILCS 2805/2d rep.)

16 (20 ILCS 2805/2e rep.)

17 (20 ILCS 2805/2f rep.)

18 (20 ILCS 2805/10 rep.)

19 (20 ILCS 2805/30 rep.)

20 Section 10. The Department of Veterans Affairs Act is
21 amended by repealing Sections 2d, 2e, 2f, 10, and 30.